

Chapter 27.27

O-3 OFFICE PARK DISTRICT

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This district is intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment.

27.27.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the O-3 Office Park District. (Ord. 12571 §156a; May 8, 1979).

27.27.020 Use Regulations.

Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit in conformance with the requirements of this chapter. O-3 Office Park District zoning shall not be permitted or granted upon any property having a total area of less than two acres. A building or premises shall be permitted to be used for the following purposes in the O-3 Office Park District:

- (a) Office buildings;
- (b) Single-family dwellings;
- (c) Two-family dwellings;
- (d) Multiple dwellings;
- (e) Townhouses;
- (f) Pharmacies;
- (g) Medical supply shops;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- (i) Book, newspaper, and magazine stores;
- (j) Parks, playgrounds, and community buildings owned or operated by a public agency;

- (k) Public libraries;
- (l) Banks, savings and loan associations, credit unions, and finance companies, and insurance companies;
- (m) Churches;
- (n) Nonprofit religious, educational, and philanthropic institutions;
- (o) Technology transfer industries or applications if the area proposed for such use is designated in the Comprehensive Plan as a Technology Park;
- (p) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;
- (q) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.

The total area occupied by permitted uses identified as (f), (g), (h), (i) and (p) shall be located within an office building and shall be accessible only through an interior lobby, corridor, or passageway of the office building; provided, however, a pharmacy may also have a separate exterior entrance if the total area occupied by such pharmacy does not exceed five percent of the total square footage of the office building or 1,000 square feet, whichever is less. (Ord. 18650 §1; November 28, 2005: prior Ord. 16931 §1; February 12, 1996: Ord. 16767 §2; April 10, 1995: Ord. 16326 §2; March 15, 1993: Ord. 12571 §156a; May 8, 1979).

27.27.025 Permitted Conditional Uses.

Any building or premises may be used for the following purpose in the O-3 Office Park District in conformance with the conditions prescribed herein:

Early childhood care facilities with a maximum of fifteen children present at any time:

- (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
- (2) Such facilities shall comply with all applicable building and life safety code requirements;
- (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities. (Ord. 16854 §25; August 14, 1995).

27.27.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the O-3 Office Park District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Recreational facilities;
- (e) Clubs;
- (f) Church steeples, towers, and ornamental spires which exceed the maximum height;
- (g) Broadcast towers;
- (h) Public utility purposes;
- (i) Wind energy conversion systems;
- (j) Health care facilities;

- (k) Motels and hotels;
- (l) Private schools;
- (m) Outdoor seasonal sales;
- (n) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;
- (o) Mail order catalog sales
- (p) Sale of alcoholic beverages for consumption on the premises in restaurants, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council. (Ord. 18301 §2; February 9, 2004: prior Ord. 18229 §1; August 18, 2003: Ord. 17320 §1; April 20, 1998: Ord. 16870 §1; October 2, 1995: Ord. 16854 §26; August 14, 1995: Ord. 16616 §1; June 6, 1994: Ord. 16144 §3; July 6, 1992: Ord. 15368 §12; December 18, 1989: Ord. 14123 as amended by Ord. 14138 §1; July 1, 1985: Ord. 13980 §10; October 29, 1984: Ord. 13941 §12; September 4, 1984: Ord. 13901 §1; July 30, 1984: Ord. 13768 §2; February 21, 1984: Ord. 12978 §13; August 25, 1980: Ord. 12878 §1; March 31, 1980: Ord. 12894 §14; April 15, 1980: Ord. 12571 §156a; May 8, 1979).

27.27.040 Accessory Uses.

Accessory uses permitted in the O-3 Office Park District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §156a; May 8, 1979).

27.27.050 Parking Regulations.

All parking within the O-3 Office Park District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §156a; May 8, 1979).

27.27.055 Pedestrian Circulation Regulations.

Construction of on-site pedestrian circulation sidewalk systems shall be regulated in conformance with the provisions of Section 27.81.010. (Ord. 18687 §3; March 20, 2006).

27.27.060 Sign Regulations.

Signs within the O-3 Office Park District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §156a; May 8, 1979).

27.27.065 Grading and Land Disturbance Regulations.

Grading and land disturbance within the O-3 Office Park District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §14; February 22, 2000.)

27.27.070 Height and Area Regulations.

Minimum area for the establishment of this district is two acres. The maximum height and minimum lot requirements within the O-3 Office Park District shall be as follows:

- (a) General requirements:

(See following page)

Table 27.27.070(a)

	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single family	4,000	50'	30'	15' or the same	40'	35'
Dwelling, two-family	4,000	50'	30'	as the	40'	35'
Dwelling, multiple	1,500 per unit	50'	30'	abutting district	40'	35'
Other Permitted Uses	4,000	50'	20'	whichever is greater	40'	45'
Townhouses	2,500 per unit	20'	30'	0' or 10' on non- party wall side	40'	35'

(b) There shall be a required front yard on each street side of a double-frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;

(d) The entire front yard shall be entirely landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not be wider than thirty feet.

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for the next four dwelling units;

25 square feet per unit for the next four dwelling units;

20 square feet per unit for each additional dwelling unit beyond nine.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement; except for porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) This required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

(f) Accessory buildings which are attached to or located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height, and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line. (Ord. 18770 §2; July 24, 2006: prior Ord. 12751 §11; November 5, 1979: Ord. 12571 §156a; May 8, 1979).

27.27.080 Use Permit; Procedures and Requirements.

(a) Minimum requirements: No use permit shall be granted upon any property having a total area of less than two acres, except as otherwise provided herein, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Such conditions may include an increase in the minimum yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the O-3 Office Park District shall apply.

(b) Application requirements: Applications for a use permit under this section shall be filed in writing by the owner on a form provided by the city with the Planning Department. Where any portion of the land area of a use permit for technology transfer industries or applications is proposed to be adjacent to the perimeter of the O-3 zoning district and such use is not permitted in the adjacent zoning district, then the applicant must provide information demonstrating how the proposal will mitigate any negative impacts on the adjacent zoning district. The Planning Commission may impose such other standards and requirements for perimeter treatment as are appropriate and necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on 100-foot grid shall be required to fully indicate the topography on flat land;
- (3) Street right-of-way;

(4) Utility easements;
 (5) Adjacent land use and zoning classifications;
 (6) Location of structures on property;
 (7) Vicinity map;
 (8) Date prepared, scale, and north point;
 (9) Schematic and location of buildings;
 (10) Parking areas and capacity;
 (11) Open space for residential uses;
 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;
 (13) Height of buildings;
 (14) Location of existing trees and proposed landscape plan;
 (15) Proposed vehicular and pedestrian circulation system including egress and ingress;
 (16) Building and parking setback lines;
 (17) Grading plan;
 (18) On-site and off-site water and sanitary sewer improvements;
 (19) On-site and off-site drainage and storm sewer improvements;
 (20) Location of proposed free-standing signs;
 (21) Cross-section for paving of parking lots and sidewalks;
 (22) Proposed name of the shopping center;
 (23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

(c) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.

(d) Landscape plan: Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.

(e) Planning Commission review: Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.

(f) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right-of-way in accordance with the Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city

standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the commission's next regularly scheduled meeting.

(g) Appeal of Planning Commission action:

(1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.

(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.

(3) In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the City Council may, after public hearing, in conformity with the provisions of this title make such decision as ought to be made.

(h) Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions set forth in this chapter at the periphery of the use permit area consistent with adequate protection of the environment of the use permit area and adjacent areas. Upon the request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings, required parking spaces, and lot frontage set forth in this chapter in the interior of the use permit area consistent with the adequate protection of the environment of the use permit area. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.

(i) Amendment: The Planning Director is authorized to approve amendments to any use permit granted under this section, provided that:

(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (b) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;

(4) There is no increase in the number of dwelling units;

(5) No reduction is made to the applicable setback or yard requirements;

(6) No public land is accepted;

(7) Such amendment shall not be contrary to the general purpose of this chapter;

(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original application for a use permit.

(j) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

(k) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title shall be deemed to have received a use permit as herein required and shall be provided with such permit by the Director of Building and Safety upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension, or relocation of such existing use, an application in conformance with this section shall be required.

(l) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit.

(m) A use permit may be granted for a lot of less than two acres, provided:

- (1) The lot was legally created prior to the effective date of this ordinance; and
- (2) The lot has remained under separate ownership from adjoining properties in the O-3 district.

The Planning Commission may, under the above conditions, adjust the requirements under paragraph (a) to permit the applicant a reasonable use of his property. (Ord. 18633 §1; October 24, 2005: prior Ord. 17857 §1; June 4, 2001; Ord. 17287 §1; February 2, 1998: Ord. 16766 §2; April 10, 1995: Ord. 16326 §3; March 15, 1993: Ord. 16288 §1; December 21, 1992: Ord. 15239 §1; August 7, 1989: Ord. 13528 §1; January 3, 1983: Ord. 13077 §1; January 12, 1981: Ord. 12878 §1; March 31, 1980: Ord. 12751 §12; November 5, 1979: Ord. 12571 §156a; May 8, 1979).